

HOUSE BILL NO. 334

INTRODUCED BY R. LENHART, DELL, MANGAN, MATTHEWS, SMITH, WITT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TYPE OF PROJECTS THAT ARE ELIGIBLE FOR FUNDING UNDER THE WATER POLLUTION CONTROL STATE REVOLVING FUND ACT; INCLUDING SOLID WASTE MANAGEMENT SYSTEMS AS PROJECTS; AMENDING SECTION 75-5-1102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-5-1102, MCA, is amended to read:

"75-5-1102. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

(1) "Administrative costs" means costs incurred by the department and the department of natural resources and conservation in the administration of the program, including but not limited to costs of servicing loans and issuing debt; program startup costs; financial, management, and legal consulting fees; and reimbursement costs for support services from other state agencies.

(2) "Cost" means, with reference to a project, all capital costs incurred or to be incurred by a municipality or a private person, including but not limited to engineering, construction, financing, and other fees, interest during construction, and a reasonable allowance for contingencies to the extent permitted by the federal act and regulations promulgated ~~thereunder~~ under the federal act.

(3) "Federal act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. 1251 through 1387, as amended.

(4) "Intended use plan" means the annual plan adopted by the department and submitted to the environmental protection agency that describes how the state intends to use the money in the revolving fund.

(5) "Loan" means a loan of money from the revolving fund to a municipality or a private person.

(6) "Municipality" means any state agency, city, town, or other public body created pursuant to state law, including an authority as defined in 75-6-304.

(7) "Private person" means an individual, corporation, partnership, or other nongovernmental legal

1 entity.

2 (8) "Program" means the water pollution control state revolving fund program established by this
3 part.

4 (9) ~~(a)~~ "Project" means an activity that is eligible for financing by the program under the federal
5 act, including treatment works, as defined under section 1292 of the federal act (33 U.S.C. 1292), and
6 nonpoint source pollution control under section 1329 of the federal act (33 U.S.C. 1329), and for which
7 a municipality or private person makes an application for a loan or other financial assistance.

8 ~~(b) "Project" does not include a solid waste management system, as defined in 75-10-203, except~~
9 ~~for a project that is intended specifically for the closure or postclosure care of or ground water corrective~~
10 ~~action at a landfill that:~~

11 ~~—— (i) was in operation on May 5, 1997, and that accepts an annual average of less than 20,000 tons~~
12 ~~of solid waste a year; or~~

13 ~~—— (ii) was closed prior to May 5, 1997.~~

14 (10) "Revolving fund" means the fund established by 75-5-1106."
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16 NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 159 AND [THIS ACT] ARE BOTH
17 PASSED AND APPROVED, THEN HOUSE BILL NO. 159 IS VOID.

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19 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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